

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CLIFFORD JEFFERSON EL BEY,

Plaintiffs,

v.

ROBERT WOOD JOHNSON UNIVERSITY  
HOSPITAL et al,

Defendants.

Civil Action No.: 15-cv-02537 (PGS)

**ORDER**

This matter is before the Court on a number of Plaintiff's motions: (1) for default judgment; (2) judgment on the pleadings; (3) summary judgment, (4) judgment as a matter of law (ECF No. 84); and Plaintiff's motion to strike, and for summary judgment (ECF No. 86); and Plaintiff's motion to stay discovery (ECF No. 87). Each motion is addressed below.

\* Motion for default judgment (ECF No. 84). Defendant Robert Wood Johnson filed its answer to the Complaint on January 4, 2016 and is not in default. As such, the motion for default judgment is denied.

\* Motion for summary judgment (ECF No. 84, 86). These motions are premature because discovery has not been completed, and Plaintiff has failed to submit a statement of undisputed facts. Therefore, the motion for summary judgment is denied.

\* Motion for judgment on the Pleadings (ECF No. 84). Such a motion can only be decided when there are no issues of material fact. Robert Wood Johnson has denied all of the allegations in the Complaint, and has asserted over fifteen defenses. Therefore, the motion for judgment on the pleadings is denied.

\* Motion for judgment as a matter of law (ECF No. 84). This motion appears to be brought pursuant to Fed. R. Civ. P. 50. Rule 50 motions are ordinarily filed after a jury trial. Therefore, this motion is premature since the case is still in the discovery phase. The motion is denied.

\* Motion to strike the answer of Robert Wood Johnson (ECF No. 86). Pursuant to Fed. Civ. R. P. 12, the court may strike from a pleading an insufficient defense or where discovery has not provided. There has been no showing of same in Robert Wood Johnson's responsive pleadings. The motion to strike is denied.

\* Motion to stay discovery (ECF. No. 87). At the hearing held on March 21, 2017, Plaintiff indicated that he was withdrawing this motion. As such, the motion to stay is denied as withdrawn.

The Court having fully considered the submissions of the parties and having heard oral argument;

IT IS on this 29<sup>th</sup> day of March, 2017;

ORDERED that Plaintiff's motion for Default Judgment, Judgment on the Pleadings, Summary Judgment and Judgment as a Matter of Law (ECF No. 84) is denied; and it is further

ORDERED that Plaintiff's motion to strike and motion for summary judgment (ECF No. 86) is denied; and it is further

ORDERED that Plaintiff's motion to stay (ECF No. 87) is denied as withdrawn.

  
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PETER G. SHERIDAN, U.S.D.J.